

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-00316-01-CR-W-ODS
	)	
JERRY ADAMS,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On September 13, 2005, defendant was charged in a thirteen count Indictment with interference of commerce by means of robbery. Defense counsel filed a Motion For Determination of Competency, doc. # 18, asking for a judicial determination of the defendant's competency to stand trial. Prior to a hearing on this issue, the Court ordered defendant to undergo a psychiatric or psychological examination concerning his ability to stand trial. On February 1, 2006, the Court held a hearing on the Motion For Determination of Competency, doc. # 18. The only evidence presented was a the Forensic Report of the Federal Medical Center in Lexington, Kentucky dated January 9, 2006.

The report concluded that the defendant had not been diagnosed with a severe mental illness, that the defendant was malingering some of his symptoms, and that the defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. Thus the examiner concluded that the defendant was competent to stand trial. (Forensic Report at 11) Therefore, based on the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Jerry Adams is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his own defense and that he is competent to stand trial.

Counsel are reminded they have ten days from the date of the receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

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/s/  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE